(1) Supreme Court, U.S.
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No. _____

In The

# Supreme Court of the United States

HILDA LEAH FLOYD
(mother of minor child) E.C.,

*Petitioner,*

v.

STATE OF MARYLAND,

*Respondent.*

**On Petition For A Writ Of Certiorari To The United States Court Of Appeals For The Fourth Circuit**

## PETITION FOR WRIT OF CERTIORARI

HILDA LEAH FLOYD
160 Alberge Lane
Baltimore, MD 21220
410-335-0191

## QUESTIONS PRESENTED

1. Should a procedure, rule or statue or law error be allowed to violate a person's Constitutional Rights?
2. Should my son suffer from my error because I had missed a step in the procedure in the United States Circuit Court?
3. Will you take into consideration that I am poor and cannot afford the price of a lawyer? This is pro bono.
4. Who has the right to appeal a juvenile case? The parents or the child?
5. When a juvenile parent appeals, does the Appeals Court have the right to change that appeal? Or are they bonded to answer that parent (or the person that originally filed)?
6. Could an appeal be called a legal part of a binding contract?
7. Does Automatic Waiver contradict the laws in which the people know?
8. Does it jump from point A to point D leaving B and C open? Point A is the arrest; D is the conviction.
9. Does this violate the chain of the courts?
10. Who really has the power to waiver a child before he has been charged?
11. Could this Statute of Automatic Waiver be the beginning of a domino effect? Does it pose a conflict and create a problem in the Appeals process?
12. Is a Juvenile capable of comprehending the law and the Appeals process?

## QUESTIONS PRESENTED – Continued

13. Will it show prejudice? Discrimination? Violate the civil, constitutional, or human rights, due process, Fifth, Sixth or Eighth Amendments?

## PARTIES TO THE PROCEEDING

1. *United States Court of Appeals for the Fourth Circuit* Suite 501, 1100 E. Maine, Richmond, VA 23219
2. *United States District Court for the Northern District of Maryland* 101 West Lombard Street, Baltimore, MD 21201
3. *Court of Special Appeals* 361 Rowe Blvd., Annapolis, MD 21401
4. *State of Maryland, State Attorney General, Criminal Appeal Division* 200 St. Paul Place, Baltimore, MD 21204
5. *Office Chief of Police* Baltimore County (that overseas Precinct 11) 700 E. Joppa Rd., Towson, MD 21286
6. *Warden of Maryland Correctional Training Center* 18800 Roxsbury Rd., Hagerstown, MD 21746

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## PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

## OPINIONS BELOW

[x] For cases from **federal courts:**

The opinion of the United States court of appeals appears at Appendix App. 1 to the petition and is

[ ] is unpublished.

The opinion of the United States district court appears at Appendix App. 4 to the petition and is

[x] is unpublished.

## JURISDICTION

[x] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was September 8, 2004. September 5, 2004.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: September 8, 2004, and a copy of the order denying rehearing appears at Appendix App. 6.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Black's Law Dictionary , 7th Edition

Declaration Of Human Rights: Arts. 5, 7, 8, 9, 10, 11(1.2), 16(1)

The Fifth, Sixth and Eighth Amendments to the U.S. Constitution (rights to defend, appeal, and to be heard)

## STATEMENT OF THE CASE

1. Enclosed is the denial from the United States Court of Appeals for the Fourth Circuit. Due to my mistake of interpreting this Judgment, I thought for the first time the courts had recognized that my child, who was 15 years old at the time this started, was a minor child, and had given me back my rights to handle his case. I was working against time. So, I thought the Writ of Certiorari did not apply to me. So, I ask should my child's constitutional rights to an appeal suffer because of this. Due to the high cost of legal expenses for this, I had no choice but to take it on myself. Well, not bad for a person that is not a lawyer, look how far I have gotten.

2. Supreme Court Rule 10 Part III. Jurisdiction on Writ of Certiorari. Considerations Governing Review on Certiorari section (a).

(1). Turn your attention to both the Memorandum from the United States District Court for the District of Maryland, Civil Action No. RDB 04 608 wherein Emmanuel Covington was 15 years old on June 29, 2001, and the Order Civil Action No. RDB 04 287 from the United States District Court for the District of Maryland. But, now look at the

Order to Strike from the Appeal to the Court of Special Appeals for Maryland, Docket 01CR2583, Decision dated 1 October 2003. My name (Hilda Floyd) was on the original Appeal; it was taken off and was replaced by my juvenile son's name. Next, 1 October 2003, Emmanuel was only 17 years old, was not tried in juvenile court first, and instead went straight to adult court. But, on U.S. District Court for the District of Maryland, Order RDB 04-287-3 Para, he is considered an adult because he had turned 18 years old by this time. In both cases he was denied an Appeal; his age seemed to be the conflict. That created a conflict between two different courts which placed him in a tug-of-war between two different laws, and had tied my hands as a legal guardian in both attempts to appeal his case.

## REASONS FOR GRANTING THE PETITION

The reasons for Granting this Petition are as follows:

By sending this case back to the United States Court of Appeals for the Fourth Circuit, I want to challenge Article 27, 36B, Pages 97-106: Article 27-59A (applicability of section – **The Circuit Courts Power to Transfer**). A problem that very much needs to be addressed. This law had created this problem and many others and will continue to do so. I am attempting to put together the rights of the parents, child and courts. I am trying to accomplish finally ending false imprisonment of juveniles, and have the courts take a closer look at the laws and problems. This exiting law was written, and no one had ever recognized (until now) that this is a bad law.

## CONCLUSION

I never want anyone to go through what my child and I have gone through. So, let the lower Court try to handle this growing problem.

The petition for a writ of certiorari should be granted.

Respectfully submitted,

HILDA LEAH FLOYD
(mother of minor child)
160 Alberge Lane
Baltimore, MD 21220
410-335-0191

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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**No. 04-6623**

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HILDA L. FLOYD,
Mother of Minor Child E.C.,

Petitioner-Appellant,

versus

THE STATE OF MARYLAND;
ATTORNEY GENERAL,
Criminal Appeals Division,

Respondents-Appellees.

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Appeal from the United States District Court for the District of Maryland, at Baltimore.Richard D. Bennett, District Judge. (CA-04-287-1-RDB)

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Submitted: July 29, 2004 Decided: August 5, 2004

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Before LUTTIG, MICHAEL, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Hilda L. Floyd, Appellant Pro Se.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Hilda L. Floyd seeks to appeal the district court's order denying relief on the habeas corpus petition she filed on behalf of her son, who is a Maryland inmate. The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c) (1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c) (2) (2000). A litigant satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. *See Miller-El v. Cockrell,* 537 U.S. 322, 336 (2003); *Slack v. McDaniel,* 529 U.S. 473, 484 (2000); *Rose v. Lee,* 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Floyd has not made the requisite showing. Accordingly, we deny leave to proceed in forma pauperis, deny a certificate of appealability, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

| | | |
|---|---|---|
| HILDA L. FLOYD, MOTHER OF MINOR CHILD EMMANUEL COVINGTON #311-900 | : | |
| v | : | CIVIL ACTION NO. RDB-04-287 |
| STATE OF MARYLAND ATTORNEY GENERAL, CRIMINAL APPEALS DIVISION | : | |

**ORDER**

On February 10, 2004 Emmanuel Covington was ordered to submit court-approved habeas corpus forms within twenty days, or risk dismissal of the above-captioned action. (Paper No. 3). Covington has failed to respond.

Accordingly, IT IS this 5th day of March, 2004 hereby ORDERED:

1. That the above-captioned action, to the extent that it is construed as a habeas corpus or civil rights action filed on behalf of Emmanuel Covington, IS DENIED and DISMISSED WITHOUT PREJUDICE;

2. That the Clerk of Court CLOSE this case; and

3. That the Clerk of Court MAIL a copy of this Order to Hilda L. Floyd and to Emmanuel Covington, #311-900, MCTC, 18800 Roxbury Road, Hagerstown, Maryland 21746.

/s/ Richard D. Bennett
Richard D. Bennett
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

| | | |
|---|---|---|
| HILDA L. FLOYD, MOTHER OF MINOR CHILD EMMANUEL COVINGTON #311-900 | : | |
| v | : | CIVIL ACTION NO. RDB-04-287 |
| STATE OF MARYLAND ATTORNEY GENERAL, CRIMINAL APPEALS DIVISION | : | |

**ORDER**

On February 2, 2004 Hilda L. Floyd filed a document entitled "Notice of Removal of Criminal Prosecution Against Person Denied Civil Rights, Habeas Corpus 28 U.S.C.A. 1443." (*See* Paper No. 1). An indigency application also was filed with the document. (*See* Paper No. 2).

Ms. Floyd's request for relief appears to be twofold: first, she complains that her civil rights may have been violated in connection with police action taken in 2001 against her son, Emmanuel Covington. To the extent that Ms. Floyd wishes to file a civil rights action **on her own behalf** for wrongs against her, she may do so by requesting the appropriate forms from the Clerk of Court, and filing the forms in this Court as a new civil action. She next complains that her son was wrongfully prosecuted and convicted in Baltimore County. Although she couches these allegations in the context of a removal proceedings, such allegations are properly brought before this Court by way of a habeas corpus action filed pursuant to 28 U.S.C. § 2254.

The attachments to the original document give Emmanuel Covington's birth date as October 15, 1985, a date confirmed by Maryland Division of Correction [DOC] personnel. He thus is not a "minor" and, absent cause, will be required to file the appropriate habeas corpus forms and pursue any habeas corpus action in this Court on his own (or through counsel), rather than through his mother.

Accordingly, IT IS this 10th day of February, 2004 by this Court hereby ORDERED that:

1. Mr. Covington **IS GRANTED** an additional **TWENTY (20) DAYS** in which to file a properly completed habeas corpus petition. Mr. Covington is warned that failure to fill out and submit the petition and indigency affidavit may result in dismissal of his case, without prejudice;

2. Ms. Floyd **IS DISMISSED** from this case;

3. Ms. Floyd **IS DENIED** leave to file *in forma pauperis;* and

4. The Clerk of Court shall **MAIL** a copy of this Order to Ms. Floyd at her Alberge Lane address; and shall also **MAIL** a copy of this Order, together with a 28 U.S.C. §2254 habeas corpus packet, to Emmanuel Covington, #311-900, MCTC, 18800 Roxbury Road, Hagerstown, Maryland 21746.

/s/ Richard D. Bennett
Richard D. Bennett
United States District Judge

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

FILED September 8, 2004

No. 04-6623
CA-04-287-1-RDB

HILDA L. FLOYD, Mother of Minor Child E.C.

Petitioner-Appellant

v.

THE STATE OF MARYLAND; ATTORNEY GENERAL, Criminal Appeals Division

Respondents-Appellees

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On Petition for Rehearing and Rehearing En Banc

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The appellant's petition for rehearing and rehearing en banc was submitted to this Court. As no member of this Court or the panel requested a poll on the petition for rehearing en banc, and

As the panel considered the petition for rehearing and is of the opinion that it should be denied,

IT IS ORDERED that the petition for rehearing and rehearing en banc is denied.

Entered for a panel comprised of Judge Duncan, Judge Luttig, and Judge Michael.

For the Court,

/s/ Patricia S. Connor
Patricia S. Connor
CLERK

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
Lewis F. Powell, Jr. United States Courthouse Annex
1100 E. Main Street, Suite 501
Richmond, Virginia 23219-3517

Patricia S. Connor
Clerk

www.ca4.uscourts.gov

Telephone
(804) 916-2700

February 4, 2005

Hilda L. Floyd
160 Alberge Lane
Baltimore, MD 21220

Re: 04-6623 Floyd v. State of MD
CA-04-287-1-RDB

Dear Ms. Floyd:

I am returning your petition for writ of certiorari.

This petition must be filed directly with the Clerk's Office for the **Supreme Court** in Washington. I am enclosing an information sheet regarding this procedure.

If you should have any questions regarding this matter, please contact the Clerk's Office for the Supreme Court of the United States at (202) 479-3000.

Yours truly,

PATRICIA S. CONNOR
Clerk

By: /s/ Lisa D. Nesbitt
Deputy Clerk

Enclosure(s)

JUDGMENT

FILED: August 5, 2004

UNITED STATES COURT OF APPEALS

for the

Fourth Circuit

NO. 04-6623
CA-04-287-1-RDB

HILDA L. FLOYD, Mother of Minor Child E.C.

Petitioner-Appellant

v.

THE STATE OF MARYLAND; ATTORNEY GENERAL, Criminal Appeals Division

Respondents-Appellees

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Appeal from the United States District Court for the District of Maryland at Baltimore

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In accordance with the written opinion of this Court filed this day, the Court denies a certificate of appealability and dismisses the appeal.

A certified copy of this judgment will be provided to the District Court upon issuance of the mandate. The judgment will take effect upon issuance of the mandate.

/s/ Patricia S. Connor
Patricia S. Connor
CLERK

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